

Application No. 09/921,851
Amendment dated July 17, 2006
Reply to Office Action of February 16, 2006

REMARKS

Applicant amended claim 221 to further define Applicant's claimed invention.

In the Office Action, the Examiner allowed claims 126-130, 207-220, and 236-257, and indicated that claim 235 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

The Examiner rejected claims 221-225, 227, 229-235, 258-262 under 35 U.S.C 102(e) as anticipated by U.S. Patent No. 6,482,233 to Aebi et al. ("Aebi") or, in the alternative, under 35 U.S.C. §103(a) as obvious over Aebi in view of U.S. Patent No. 6,432,106 to Fraser ("Fraser"). Independent claim 221, as now amended, recites "said rearward facet terminating at a first location proximate the base, said rearward facet terminating at a second location proximate said forward facing facet, the first location being closer than the second location to a vertical plane transverse to the mid-longitudinal axis representing the furthest distal extent of the leading end of the implant." Aebi discloses a rearward facet where either the second location is closer to or the same distance as the first location from a vertical transverse plane representing the furthest distal extent of the leading end of the implant. (See Aebi, Fig. 6).

Claim 221 further recites "the width of the base of each of said at least two surface projections being greater than the respective height of each of said at least two surface projections." Neither Aebi nor Fraser, whether alone or in proper combination, teach or suggest a surface projection having a base with a width that is greater than the height of the surface projection. Applicant submits that the Examiner's rejection of claims 221-225, 227, 229-235, 258-262 under 35 U.S.C 102(e) as anticipated by Aebi, or in the alternative, under 35 U.S.C. §103(a) as obvious over Aebi in view of Fraser has been overcome.

Applicant submits that independent claims 126, 214, 221, and 242 are patentable and that dependent claims 127-130, 207-210, 213, 215-220, 222-225, 227, 229-241, and 243-262 dependent from one of independent claims 126, 214, 221, and

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242, or claims dependent therefrom, are patentable at least due to their dependency from an allowable independent claim.

In view of the foregoing remarks, it is respectfully submitted that the claims, as amended, are patentable. Therefore, it is requested that the Examiner reconsider the outstanding rejections in view of the preceding comments. Issuance of a timely Notice of Allowance of the claims is earnestly solicited.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-3726.

Respectfully submitted,

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